THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20169 of 2006

Dated:30.10.2006

Between
Mukka Aruna

.....Petitioner

and

1. The Revenue Divisional Officer
Machilipatnam, Krishna District
and others

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20169 of 2006

ORDER:

It appears that a notification dated 14.6.2004 was issued by the 1st respondent-Revenue Divisional Officer, Machilipatnam inviting applications for filling up of the vacancy of fair price shop No.23 of V.Kothapalem village, Koduru Mandal, Krishna District. In pursuance to the same, the petitioner as well as the 3rd respondent applied for the said vacancy. It seems that after interviews were conducted, the 3rd respondent was selected and appointed as fair price shop dealer *vide* proceedings dated 26th August, 2006. Aggrieved by the same, the petitioner filed a statutory appeal along with stay petition before the 2nd respondent-Joint Collector and the same is pending with him.

Neither the stay petition nor the appeal is disposed of. Hence, the petitioner filed the present writ petition.

It appears that a notification was issued on 14.6.2004 indicating that the candidates must be above 18 years and below 40 years as on 1.1.2004. There is no dispute that the date of birth of the 3rd respondent is 1-1-1964. As on 1.1.2004 he has crossed 40 years and entered 41st year. Of course, if it is taken as on the date of notification and as on the date of interviews, the age of the 3rd respondent is more than 41 years and 42 years respectively.

Prima facie, I am of the opinion that the petitioner has made out a case as to the over age of the 3rd respondent. However, since the appeal filed by the petitioner is pending before the 2nd respondent-Joint Collector, without expressing any opinion on merits, 2nd respondent-Joint Collector, Machilipatnam is directed to dispose of the appeal, within a period of two months from the date of

receipt of a copy of this order. Till such time, the appointment made in favour of the 3rd respondent shall not be given effect to. However, any observations made in this writ petition shall not have any bearing on the merits of the case.

Writ petition is disposed of accordingly. No costs.

_____

30-10-2006

rkk